

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 201707854	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/14/2017 9:00 AM	Location of Incident: 47th Precinct stationhouse	Precinct: 47	18 Mo. SOL 12/14/2018	EO SOL 12/14/2018	
Date/Time CV Reported Wed, 09/20/2017 10:40 AM	CV Reported At: IAB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 09/22/2017 4:24 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT2 John Baumeister	04716	921962	047 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Robert Konner	3724	938787	047 DET
2. DT3 Joseph Stynes	5052	919759	047 DET
3. DT3 Gregory Mullarkey	05821	922844	047 DET
4. DT3 Christan Jimenez	6804	941962	047 DET
5. DT3 Patrick Horkan	2375	947084	047 DET
6. DT3 Charles Gove	809	939968	047 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT2 John Baumeister	Discourtesy: Detective John Baumeister spoke discourteously to § 87(2)(b)	
B.DT2 John Baumeister	Force: Detective John Baumeister used physical force against § 87(2)(b)	

Case Summary

On September 20, 2017, Sgt. Cara Mulham of the Detective Bureau reported this complaint to IAB on behalf of § 87(2)(b). It was received at the CCRB on September 22, 2017. On November 6, 2017, § 87(2)(g). On November 19, 2018, § 87(2)(b) criminal attorney § 87(2)(b), requested that this case be reopened on § 87(2)(b) behalf. On December 20, 2018, this case was reopened. On March 1, 2019, § 87(2)(g). On May 8, 2019, § 87(2)(b) civil attorney § 87(2)(b), requested that this case be reopened on § 87(2)(b) behalf. On May 23rd, 2019, this case was reopened.

On June 14, 2017, at approximately 9 a.m., § 87(2)(b) was inside of a holding cell in the 47th Precinct's detective squad. For approximately 20 to 30 minutes, § 87(2)(b) repeatedly asked Det. John Baumeister, of the 47th Precinct Detective Squad, in a loud voice why he was in the cells. Det. Baumeister allegedly said to § 87(2)(b) "Shut the fuck up" (**Allegation A: Discourtesy – Word**, § 87(2)(g). When § 87(2)(b) told Det. Baumeister that he would not be quiet, Det. Baumeister allegedly reached his hands into the cell, grabbed § 87(2)(b) by the shirt collar, and quickly pulled § 87(2)(b) toward the cell bars three to four times causing § 87(2)(b) to hit his face repeatedly against the cell bars (**Allegation B: Force – Physical Force**, § 87(2)(g). Det. Baumeister and Det. Joseph Stynes, also of the 47th Precinct Detective Squad, entered the cell area and placed § 87(2)(b) into handcuffs. § 87(2)(b) was then removed to the hospital for evaluation.

§ 87(2)(b) who had already been in custody regarding an unrelated incident (**BR 01**), was arrested for § 87(2)(b) (**BR 02**).

There was no video of this incident.

Findings and Recommendations

Allegation (A) Discourtesy: Detective John Baumeister spoke discourteously to § 87(2)(b)

Allegation (B) Force: Detective John Baumeister used physical force against § 87(2)(b)

It was undisputed that on June 14, 2017, at approximately 9 a.m., inside the 47th Precinct stationhouse, § 87(2)(b) sustained lacerations above his right and left eyebrows which resulted from contact with the cell bars § 87(2)(g).

§ 87(2)(b) (**BR 03**) stated that at approximately 8:30 a.m., officers, he was not sure who, brought him to the 47th Precinct Detective Squad, where he was lodged in a holding cell. There were four to five officers in the room, including Det. Baumeister, who was seated at a desk opposite the holding cell. Because Det. Baumeister was the closest officer, § 87(2)(b) asked him in a loud tone of voice why he was in the cells. Det. Baumeister did not answer § 87(2)(b) who kept loudly asking Det. Baumeister why he was there for approximately 20 to 30 minutes. Det. Baumeister then told § 87(2)(b) "Shut the fuck up." § 87(2)(b) told Det. Baumeister that he did not have to be quiet and continued to loudly ask why he was being held.

Det. Baumeister walked up to the cell door so that he was standing face-to-face with § 87(2)(b) and he asked § 87(2)(b) "Are you gonna shut up?" When § 87(2)(b) told Det. Baumeister that he was not going to be quiet, Det. Baumeister reached both of his hands into the cell, grabbed, § 87(2)(b) t-shirt at the collar, and quickly pulled § 87(2)(b) forward toward the cell bars three to four times. Each time, § 87(2)(b) face just under the eyebrows hit the bars of

the cell, resulting in lacerations under each eyebrow. § 87(2)(b) denied grabbing Det. Baumeister's shirt and tie or trying to pull Det. Baumeister into the cell bars.

§ 87(2)(b) saw blood dripping into his eyes, and he fell to his knees with his face to the floor. Det. Baumeister and approximately three other officers entered the cell and put § 87(2)(b) into handcuffs and leg shackles. They attached the handcuffs to the cell door and then waited for EMS to respond. Initially, § 87(2)(b) refused medical attention from the first responding EMTs because Det. Baumeister had told them that § 87(2)(b) injuries were self-inflicted, but eventually EMS took § 87(2)(b) to § 87(2)(b) where he received stitches for the lacerations above his eyes and a CAT scan, the results of which were negative. § 87(2)(b) denied ever refusing medical treatment.

The investigation identified a possible § 87(2)(b) witness, § 87(2)(b) who, according to his arrest report (**BR 04**) had been arrested the morning of the incident by a detective assigned to the 47th Precinct Detective Squad. The investigation was unable to establish contact with § 87(2)(b) despite repeated contact attempts (**BR 05**).

According to the Prehospital Care Report (**BR 06**), an officer, it is unclear who, told EMTs that there was a prisoner with injuries. § 87(2)(b) who presented with "minor dry blood" on his right and left eyebrows, told EMTs, "Don't touch me or else I'm fighting." § 87(2)(b) in the presence of the EMTs, hit his face on the jail bars. § 87(2)(b) denied to the EMTs that his injuries were self-inflicted and refused medical treatment. § 87(2)(b) was ultimately transported with ESU to § 87(2)(b), where he continued to be "violent" and needed to be sedated.

Det. Baumeister (**BR 07**) stated that when he arrived in the 47th Precinct Detective Squad at the beginning of his tour at approximately 8 a.m., § 87(2)(b) was already in the cell area. There was no one else in the cell area and no juveniles or other civilians or prisoners in the squad room outside of the cells. Det. Baumeister was not sure why § 87(2)(b) had been arrested, but he knew that the officer assigned § 87(2)(b) arrest, Det. Robert Koner, was on his way in to speak with § 87(2)(b). § 87(2)(b) was pacing back and forth inside the cell and loudly asking why he was there. For approximately 50 minutes, § 87(2)(b) alternated between yelling loudly about why he was in the cells and punching the cell walls. Det. Baumeister told § 87(2)(b) that Det. Koner would be there soon to explain everything to him, but § 87(2)(b) continued to yell at Det. Baumeister.

At approximately 9 a.m., § 87(2)(b) started punching and shaking a sheet of plexiglass set up in front of the cell bars to prevent prisoners from spitting at or hurting officers within the squad room. Det. Baumeister was concerned that § 87(2)(b) might hurt himself if the plexiglass shattered, so he walked over to the cell door, which was not enclosed by plexiglass, and told § 87(2)(b) to calm down or else he would need to go into the cell and place him into handcuffs for his own safety. § 87(2)(b) walked over to where Det. Baumeister, and, when they were face-to-face, § 87(2)(b) leaned forward as if to say something to Det. Baumeister. § 87(2)(b) then reached both of his hands through the cell bars and grabbed Det. Baumeister's shirt and tie just underneath the knot of the tie by Det. Baumeister's sternum.

§ 87(2)(b) pulled Det. Baumeister forward toward the bars, and Det. Baumeister immediately lifted his hands up from by his sides and grabbed both of § 87(2)(b) wrists with his hands because he was concerned for his safety and thought that § 87(2)(b) might try to choke him with his tie. Det. Baumeister simultaneously took a step back and pushed his hands down in a quick movement in an effort to get § 87(2)(b) to release his shirt and tie. As Det. Baumeister backed away from the cell door, § 87(2)(b) head hit the cell bars, with two bars making contact with the far side of each of § 87(2)(b) eyebrows. § 87(2)(b) maintained his grip on Det.

Baumeister's shirt and tie for a few more seconds, at which point Det. Baumeister grabbed his own tie with one hand by the knot to prevent § 87(2)(b) from tightening the tie. Det. Baumeister held onto the tie and, with his other hand, pushed § 87(2)(b) hand off of him. Det. Baumeister denied purposefully pulling § 87(2)(b) face into the bars and stated that his movements were only a reaction to § 87(2)(b) grabbing him and were meant to protect himself from injury.

Having gotten free from § 87(2)(b) grip, Det Baumeister saw that § 87(2)(b) had two small bumps on either side of his eyebrows where his face had hit the cell bars. Det. Baumeister immediately told Det. Stynes to call ESU and EMS. § 87(2)(b) then told Det. Baumeister, "Fuck you, mother fucker! I'm getting paid, motherfucker," and started rubbing his head where the bumps had formed against the cinderblock walls in order to, in Det. Baumeister's opinion, exacerbate the injuries, which had begun to bleed. Det. Baumeister went to report the incident to his supervisor, and officers, Det Baumeister was not sure who, went into the cell and placed § 87(2)(b) in handcuffs. § 87(2)(b) was compliant at this time.

After approximately 10 minutes, EMS and ESU responded to the location, and § 87(2)(b) started to bang his head against the horizontal cross bar in the cell, which further exacerbated the injury to his forehead. The EMTs told § 87(2)(b) that they were documenting his behavior, but § 87(2)(b) continued hitting his head and told the EMTs that he did not want treatment and that he refused to go to the hospital. ESU intervened and told § 87(2)(b) that he did not have a choice about going to the hospital, and § 87(2)(b) eventually agreed to go to the hospital. Det. Baumeister had no further contact with § 87(2)(b).

Det. Baumeister denied ever telling § 87(2)(b) "Shut the fuck up," or using any other profanities toward § 87(2)(b).

Det. Stynes' statement (**BR 08**) was generally consistent with that of Det. Baumeister with the following exceptions noted. Det. Stynes stated that he had no recollection of there being any minors or other civilians in the squad room, and he noted that juveniles are generally held in a separate juvenile room and not ever in the squad room. Det. Stynes, who had a clear view of the cell door from his desk, did not see § 87(2)(b) head hit the cell door bars when Det. Baumeister backed away from him. After Det. Baumeister got § 87(2)(b) to release him, Det. Baumeister went into the cell and told § 87(2)(b) to turn around and put his hands behind his back, which § 87(2)(b) did. Det. Stynes went into the cell to assist if needed, and he did not observe any injuries on § 87(2)(b). Det. Stynes was not sure who called for EMS and ESU, and he could not recall if there were any other officers in the squad room besides himself and Det. Baumeister.

Det. Stynes did not hear Det. Baumeister ever tell § 87(2)(b) "Shut the fuck up," and did not hear Det. Baumeister use any other profanity toward § 87(2)(b). Det. Stynes did not ever see Det. Baumeister pull § 87(2)(b) face into the bars on the cell door.

The TRI (**BR 09**) and ISAR (**BR 10**) consistently state that § 87(2)(b) grabbed Det. Baumeister's shirt and tie and tried to pull Det. Baumeister's face into the cell door. Det. Baumeister grabbed § 87(2)(b) hands and pulled back from the cell, which caused § 87(2)(b) to hit his face on the cell door.

Although § 87(2)(b) alleged that Det. Baumeister told him, "Shut the fuck up," both Det. Baumeister and Det. Stynes denied this. While it was undisputed that § 87(2)(b) sustained lacerations requiring stitches on the right and left sides of his forehead, § 87(2)(g)

§ 87(2)(b) stated that, unprovoked, Det Baumeister deliberately grabbed him by the shirt and repeatedly pulled his face into the cell door. § 87(2)(g)

§ 87(2)(g) [REDACTED]
[REDACTED]
§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (**BR 11**)
- Det. Baumeister has been a member of service for 21 years and has been a subject in 11 CCRB cases with a total of 24 allegations, one of which was substantiated.
 - CCRB case # 200404864 involved substantiated allegations of physical force and a frisk against Det. Baumeister. The Board recommended Charges, and the NYPD imposed no penalty.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b), § 87(2)(c) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED] filed a Notice of Claim with the City of New York claiming unspecified injuries and wrongful imprisonment and seeking an undisclosed sum of money as redress (**BR 13**). There was no 50H hearing scheduled.

Squad No.: 10

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date